

## In the Claims

Please amend the claims as indicated below.

1. (original) A method to predict athletic performance in an individual comprising:
  - a) screening the individual for the presence of one or more genetic variations in the  $\alpha$ -actinin-3 (ACTN3) gene; and
  - b) predicting athletic performance based on the presence of the one or more genetic variations.
2. (original) The method of claim 1, wherein the individual is a human.
3. (original) The method of claim 1, wherein the individual is a horse, a dog or a camel.
4. (currently amended) The method of ~~any one of claims 1 to 3~~ claim 1, further comprising screening the individual for a 1747 C>T single nucleotide polymorphism (SNP) in the ACTN3 gene.
5. (currently amended) The method of ~~any one of claims 1 to 4~~ claim 1, further comprising genotyping the individual at the ACTN3 locus.
6. (original) The method of claim 5, wherein the presence of at least one copy of the 577R allele of the ACTN3 gene is positively associated with sprinting or power performance.
7. (original) The method of claim 6, wherein genotyping the individual as a 577RR genotype is positively associated with sprinting or power performance.
8. (original) The method of claim 6, wherein genotyping the individual as a 577XX genotype is negatively associated with sprinting or power performance.
9. (original) The method of claim 6, wherein genotyping the individual as a 577XX genotype is positively associated with endurance performance.
10. (original) The method of claim 6, wherein genotyping the individual as a 577RX genotype is positively associated with sprinting or power performance in female individuals.
11. (original) The method of claim 6, wherein genotyping the individual as a 577RX genotype is negatively associated with endurance performance in female individuals.

12. (currently amended) The method of ~~any one of claims 1 to 11~~ claim 1, further comprising measuring the amount of ACTN3 protein present in the individual's skeletal muscle.
13. (original) The method of claim 12, wherein the amount of ACTN3 protein is measured using an antibody specific for the ACTN3 protein.
14. (currently amended) The method of ~~any one of claims 1 to 11~~ claim 1, further comprising measuring the amount of ACTN3 messenger RNA (mRNA) expressed in the individual's skeletal muscle.
15. (original) The method of claim 4, further comprising identifying the 1747 C>T SNP alleles in the individual's genomic DNA by DNA sequencing, allele-specific hybridization, allele-specific amplification or restriction fragment length polymorphism analysis.
16. (currently amended) The method of claim 4 ~~or 15~~, further comprising screening the individual for the presence of one or more additional SNPs in the ACTN3 gene.
17. (original) The method of claim 16, wherein the one or more additional SNPs are selected from the group consisting of the SNPs listed in **TABLE 3**.
18. (currently amended) The method of ~~any one of claims 1 to 17~~ claim 1, further comprising screening the individual for the presence of one or more genetic variations in at least one other gene.
19. (original) The method of claim 18, wherein the at least one other gene is selected from the group consisting of the genes listed in **TABLE 4**.
20. (currently amended) The method of ~~any one of claims~~ claim 19, further comprising screening the individual for the presence of the ACE (angiotensin-converting enzyme) I allele and the ACE D allele.
21. (original) The method of claim 20, wherein the ACE I allele is positively associated with endurance performance.
22. (original) The method of claim 20, wherein the ACE D allele is positively associated with sprinting or power performance.

23. (original) The method of claim 19, further comprising screening the individual for the presence or absence of an ADRA2A (Alpha-2A-adrenergic receptor) allele.
24. (currently amended) The method of ~~any one of claims 1 to 12~~ claim 1, further comprising screening the individual using a test selected from the group consisting of VO<sub>2</sub> maximum, anaerobic threshold test, Wingate test, critical power, resting metabolic rate, body composition, speed testing, power testing, strength testing, flexibility testing, muscle biopsy, fast twitch fiber test and slow twitch fiber test.
25. (original) A method of optimizing a training program comprising:
- screening the individual for the presence of one or more genetic variations in the α-actinin-3 (ACTN3) gene; and
  - selecting the individual's training program to optimize strength performance, power performance or endurance performance.
26. (original) The method of claim 25, wherein the individual is a human, a horse, a dog or a camel.
27. (currently amended) The method of claim 25 ~~or 26~~, further comprising screening the individual for a 1747 C>T single nucleotide polymorphism (SNP) in the ACTN3 gene.
28. (currently amended) The method of ~~any one of claims 25 to 27~~ claim 25, further comprising genotyping the individual at the ACTN3 locus.
29. (original) A method of selecting a sport or sporting event for an individual comprising:
- screening the individual for the presence of one or more genetic variations in the α-actinin-3 (ACTN3) gene; and
  - selecting a sprint/power type sport or event or, otherwise, and endurance sport or event on the basis of the result of the said screening.
30. (original) The method of claim 29, wherein the individual is a human, a horse, a dog or a camel.
31. (currently amended) The method of claim 29 ~~or 30~~, further comprising screening the individual for a 1747 C>T single nucleotide polymorphism (SNP) in the ACTN3 gene.

32. (currently amended) The method of ~~any one of claims 29 to 31~~ claim 29, further comprising genotyping the individual at the ACTN3 locus.

## CONCLUSION

It is believed that no fee is due as a result of the Preliminary Amendment. However, if any fee is due, please charge any shortage to our Deposit Account No. 06-0029.

Respectfully Submitted,

FAEGRE & BENSON LLP

By:

  
Richard A. Nakashima  
Reg. No. 42,023  
Tel.: (303) 447-7728

Date: March 15, 2005